

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

WILLIAM DAMON AVERY,

**WILLIAM DAMON AVERY, JR.,
SIRENA ALLIN AVERY,
CYNTHIA LYNN TYLER,**

and

**JALISA JONIQUE AVERY,
NAFIA NICOLE AVERY,
minors by their father William Damon Avery,**

Plaintiffs,

-vs-

Case No. 11-C-408

**CITY OF MILWAUKEE,
DETECTIVE GILBERT HERNANDEZ,
DETECTIVE DANIEL PHILLIPS,
DETECTIVE KATHERINE HEIN,
DETECTIVE TIMOTHY HEIER,
DETECTIVE KEVIN ARMBRUSTER,
DETECTIVE ERIC GULBRANDSON, and
DETECTIVE JAMES DeVALKENAERE,**

Defendants.

SCHEDULING ORDER

During the scheduling conference held by telephone in the above-entitled action on September 5, 2013, the plaintiffs, appearing by Attorney Ben H. Elson, and the defendants, appearing by Attorney Jan A. Smokowicz, agreed to the entry of the following order.

IT IS ORDERED that:

1. On or before November 5, 2013, the parties must notify each other of any final lay witnesses they may call at trial.

2. All requests for fact discovery must be served by a date sufficiently early so that all fact discovery in this case can be completed no later than January 15, 2014. Neither the pendency of motions nor settlement discussions will affect any of the dates set in this action, and neither will justify delays in the taking of fact discovery.

3. On or before February 15, 2014, the parties must notify each other of any expert witnesses they may call at trial, and must submit with that notice a report containing all the information required by Rule 26(a)(2)(B) of the Federal Rules of Civil Procedure, or the moving party will be barred from calling such witnesses as experts at trial.

4. Depositions of experts must be completed by March 15, 2014.

5. Dispositive motions must be filed on or before April 15, 2014. When a motion for summary judgment is filed electronically utilizing the Court's Electronic Case Filing system, counsel must also provide this Chambers with a paper copy of the motion, and all accompanying briefs and papers.

6. On November 14, 2014, at 10:30 a.m., the Court will initiate and conduct a final pretrial conference call. Pursuant to Civil L. R. 16(c), each party must serve and file a final pretrial report in compliance with the Pretrial Report Order attached hereto and incorporated herein.

7. This case will be tried to a jury. This case will be called for trial at 9:00 a.m. on December 1, 2014. The trial is estimated to last one to two weeks.

Dated at Milwaukee, Wisconsin this 9th day of September, 2013.

BY THE COURT:


Hon. Rudolph T. Randa
U.S. District Judge

PRETRIAL REPORT ORDER

IT IS ORDERED that each party must file a pretrial report. Reports are due at least 14 days before the scheduled start of the trial or, if a final pretrial conference is scheduled, 7 days before the conference. The report must be signed by the attorney (or a party personally, if not represented by counsel) who will try the case. Sanctions, which may include the dismissal of claims and defenses, may be imposed if a trial report is not filed.

The report must include the following:

1. A short summary, not to exceed 2 pages, of the facts, claims and defenses;
2. A statement of the issues;
3. The names and addresses of all witnesses expected to testify. Any witness not listed will not be permitted to testify absent a showing of good cause;
4. A statement of the background of all expert witnesses listed;
5. A list of exhibits to be offered at trial sequentially numbered according to General L.R. 26 where practicable;
6. A designation of all depositions or portions of transcripts or other recordings of depositions to be read into the record or played at trial as substantive evidence. Reading or playing more than 5 pages from a deposition will not be permitted unless the Court finds good cause;
7. An estimate of the time needed to try the case; and,
8. If scheduled for a jury trial:
 - a. Any proposed voir dire questions;
 - b. Proposed instructions on substantive issues; and
 - c. A proposed verdict form.
9. If scheduled for a bench trial, proposed findings of fact and conclusions of law. (See Fed. R. Civ. P. 52).

In addition to completing a pretrial report, counsel are expected to confer and make a good faith effort to settle the case. Counsel are also expected to arrive at stipulations that will save time during the trial.